

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for March 17, 2004 PLANNING COMMISSION MEETING

P.A.S.: Special Permit Amendment #04002
2000 "D" Street Special Permit #684

PROPOSAL: Permit a 5% increase in lot coverage for a church.

LOCATION: 20th and "D" Streets.

LAND AREA: 131,140 square feet, or 3.01 acres, more or less.

CONCLUSION: This application conforms to the zoning ordinance.

<u>RECOMMENDATION:</u>	Conditional Approval
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Lots 1 through 13, the east 2 feet of lot 14, and Lots 15 and 16, together with the vacated north/south alley adjacent to Lots 2 and 3, and the west 117 feet of the east/west alley adjacent to Lots 5, 8, 9, 12, and 13, and the north 14 feet of vacated "D" Street right-of-way adjacent to the west 120.5 feet of Lot 11, all in Block 1, W.G. Houtz 2nd Addition, Lancaster County, Nebraska.

EXISTING ZONING: R-2 Residential

EXISTING LAND USE: Church, parking lot, single-family dwellings.

SURROUNDING LAND USE AND ZONING:

North:	Residential dwellings, church parking lot	R-6 Residential
South:	Residential dwellings	R-2 Residential
East:	Residential dwellings	R-5 Residential
West:	Residential dwellings	R-2 Residential

HISTORY:

Oct 2002 Change of Zone #3378 changed the zoning from R-5 Residential to R-2 Residential.

Nov 1995 Special Permit #1579 approved a parking lot to serve First Plymouth Church located across "E" Street.

- Oct 1992 Administrative Amendment #92064 to Special Permit #684A approved a revised landscape plan.
- Feb 1992 Special Permit #684A approved a 5% increase in lot coverage, bringing the total lot coverage to 27.7%.
- Sep 1981 Change of Zone #HP3 created the Mount Emerald Landmark District.
- Jun 1980 Mount Emerald and Capitol Additions Historic Residential District listed on the National Register of Historic Places.
- Jun 1980 Change of Zone #1804 changed the zoning in this area from R-6 Residential to R-5 Residential.
- May 1979 The zoning update changed the zoning for this property from D Multiple-Family to R-6 Residential.
- Jan 1974 Special Permit #684 approved a reduction in the setback on Lots 1 and 16 for the parking lot.

ANALYSIS:

1. This is an application to increase the allowable lot coverage for a church. Applicant intends to add two new freestanding structures - a greenhouse and a restroom building, as well as the future addition of a related outdoor activities area.
2. Pursuant to LMC §27.63.520, there are four conditions under which this permit may be granted.

- (a) "A church use shall have been located on the premises for which the special permit is requested for at least ten years."

According to the records of the Building and Safety Department, this church has existed at this site since at least 1930.

- (b) "An expansion or expansions shall not exceed more than five percent cumulative additional lot coverage over existing lot coverage on the date the first expansion was approved. Once the expansion or expansions have reached the maximum five percent cumulative additional lot coverage over said existing lot coverage, no further expansion shall be permitted for a period of ten years."

The most recent expansion granted for this church was granted 12 years ago.

- (c) "The applicant must show to the satisfaction of the city that no additional adjacent lands are reasonably available for acquisition to otherwise support the proposed expansion and that the applicant has acquired all such adjacent lands as are reasonably available."

Applicant owns all but 1 lot on the block bounded by 20th, 21st, "D", and "E" Streets. At this time, the one other property owner on this block is unwilling to sell.

- (d) "The proposed expansion shall not reduce the available parking below the required minimum for the church use, including the proposed expansion."

Pursuant to LMC §27.67.040(d)(10), the parking requirement for this use is one stall for every 50 square feet in the largest assembly hall. Applicant states the largest assembly hall contains 4,167 square feet, requiring 84 parking stalls. The drawing shows 95 existing parking stalls.

3. The existing lot coverage is 27.7%. The addition of the greenhouse and restroom buildings will only increase lot coverage marginally. Applicant indicates there will be a future addition of an outdoor activities area. A 5% increase in lot coverage should provide enough coverage for future buildings and additions.
4. Section 27.63.520(b) precludes the possibility of increasing the lot coverage within the next ten years,

CONDITIONS:

Site Specific:

1. This permit allows for total lot coverage not to exceed 32.7%.
2. The construction plans shall comply with the approved plans.

General:

3. Before receiving building permits:
 - 3.1 The permittee shall complete the following instructions and submit the revised documents and plans along with five (5) copies to the Planning Department office for review and approval.
 - 3.1.1 Revise the site plan with the correct setbacks approved by Special Permit #684.
 - 3.1.2 Indicate the location of the future outdoor activities area.

STANDARD CONDITIONS:

4. The following conditions are applicable to all requests:
 - 4.1 Before occupying new buildings, all development and construction shall have been completed in compliance with the approved plans.
 - 4.2 All privately-owned improvements shall be permanently maintained by the owner.
 - 4.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 4.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 4.5 The applicant shall sign and return the letter of acceptance to the City Clerk within 30 days following the approval of the special permit, provided, however, said 30-day period may be extended up to six months by administrative amendment. The clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant.
5. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Greg Czaplewski, 441.7620, gczaplewski@ci.lincoln.ne.us
Planner

DATE: February 27, 2004

Applicant: First Plymouth Congregational Church
and 2000 "D" Street
Owner Lincoln, NE 68502
476.7565

Special Permit Amendment # 04002
2000 "D" Street

Page 5

Contact: Kent Seacrest
1111 Lincoln Mall, Suite 350
Lincoln, NE 68508
435.6000

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2002 aerial

Special Permit Amendment #04002 2000 'D' St.

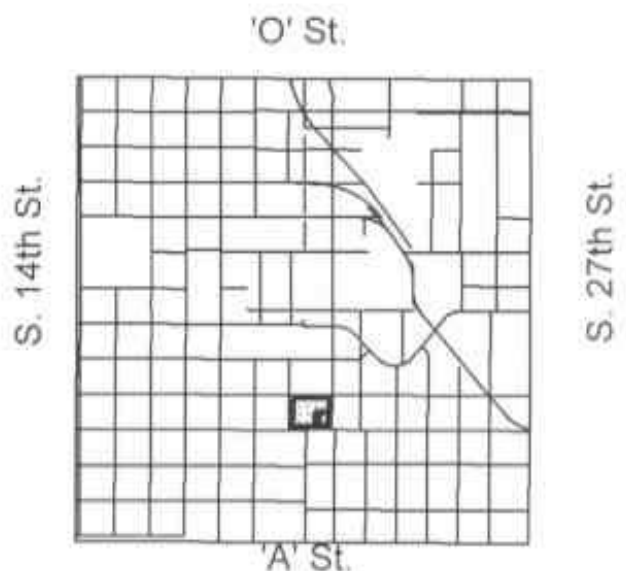
Zoning:

R-1 to R-8	Residential District
AG	Agricultural District
AGR	Agricultural Residential District
R-C	Residential Conservation District
O-1	Office District
O-2	Suburban Office District
O-3	Office Park District
R-T	Residential Transition District
B-1	Local Business District
B-2	Planned Neighborhood Business District
B-3	Commercial District
B-4	Lincoln Center Business District
B-5	Planned Regional Business District
H-1	Interstate Commercial District
H-2	Highway Business District
H-3	Highway Commercial District
H-4	General Commercial District
I-1	Industrial District
I-2	Industrial Park District
I-3	Employment Center District
P	Public Use District

One Square Mile
Sec. 25 T10N R6E



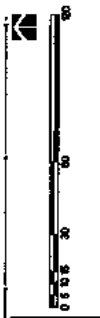
Zoning Jurisdiction Lines
City Limit Jurisdiction



C1-1

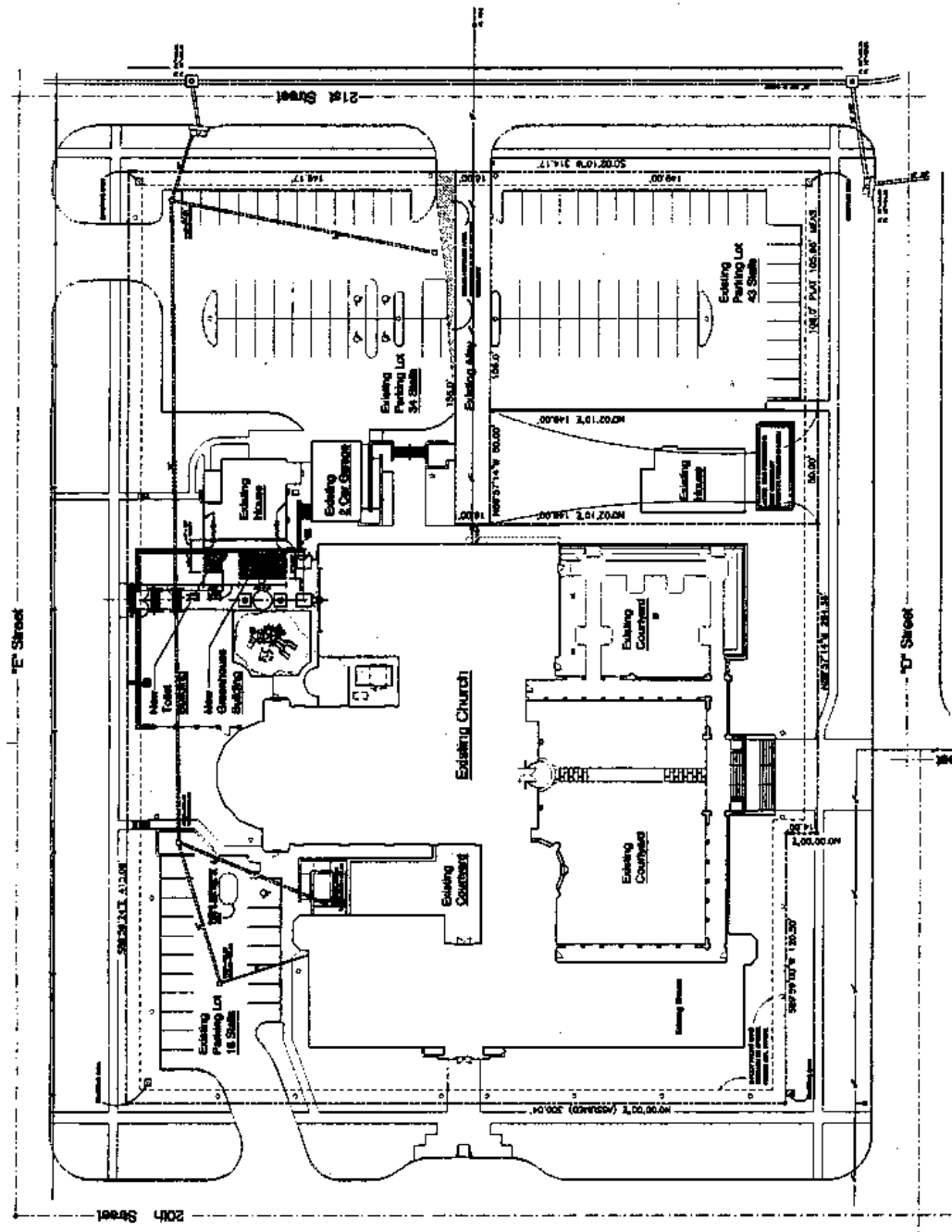
Site Plan
Pittsburgh
Congregational Church
Lincoln, Nebraska

DAVIS
ARCHITECTS
P.C.
1000 15th Street
Pittsburgh, PA 15222
Tel: 412.391.1111
Fax: 412.391.1112
www.davisarchitects.com



NOTES:
1. This site plan was prepared for the proposed construction of the new addition to the existing Congregational Church, 1000 15th Street, Pittsburgh, PA 15222.
2. The site plan shows the existing building, the proposed addition, and the parking lot.
3. The site plan also shows the existing and proposed streets, and the existing and proposed sidewalks.

Site Plan
Scale: 1" = 20'



FEB 19 2004

SEACREST & KALKOWSKI, P.C.

1111 LINCOLN MALL, SUITE 350
LINCOLN, NEBRASKA 68508-3905

TELEPHONE (402) 435-6000
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KENT SEACREST
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DANAY KALKOWSKI
E-MAIL: danay@sk-law.com

February 19, 2004

Ed Zimmer
Planning Department
County-City Building
555 South 10th Street
Lincoln, NE 68508

RE: Amendment to Special Permit No. 684A; First Plymouth Congregational Church;
Request to Expand Lot Coverage

Dear Ed:

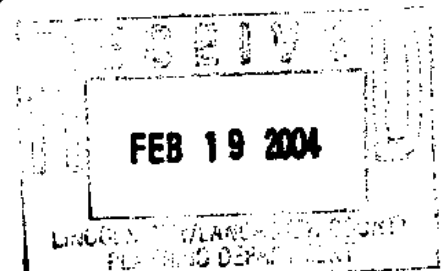
Our law firm represents First Plymouth Congregational Church ("Church"). As you may recall, we presented the City staff the Church's proposed expansion plans involving a new bathroom, greenhouse and other related outdoor activities area. At the meeting, City staff felt we needed to request another increase of the Church's lot coverage as per § 27.63.520 of the Lincoln Municipal Code.

In 1992, the Church originally requested and was granted a special permit (Special Permit No. 684A) by the City Council to expand the Church's lot area coverage by not more than five percent pursuant to §27.63.520 of the Lincoln Municipal Code. Special Permit No. 684A set the maximum coverage at 27.7%.

Section 27.63.520(b) of the Lincoln Municipal Code provides that a church may seek an expansion or expansions of the lot area coverage under the following condition:

(b) An expansion or expansions shall not exceed more than five percent cumulative additional lot coverage over existing lot coverage on the date the first expansion was approved. Once the expansion or expansions have reached the maximum five percent cumulative additional lot coverage over said existing lot coverage, no further expansion shall be permitted for a period of ten years.

The Church is proposing a new bathroom and greenhouse directly north of the northeast corner of the present church building. See the enclosed Site Plan. The proposed new bathroom and greenhouse would exceed the 1992 Special Permit (No. 684A) allowable 27.7% lot area coverage.



Therefore, this letter and the enclosed application requests an additional five percent lot coverage to existing Special Permit No. 684A to allow the new expansion and future Church expansion. It has been over ten years since the City Council approved the first five percent additional lot coverage. For your information, we are enclosing a Lot Area Coverage Chart.

The Church owns the entire block except for one house that the residential owner does not want to sell as of this date. Therefore, the Church has no additional adjacent lands on the block that are reasonably available for acquisition to otherwise support the proposed expansion. The Church has already acquired all such adjacent lands on the block that are reasonably available. The bathroom and greenhouse expansion and other additional improvements would adhere to all set back requirements.

We are enclosing a Certificate of Ownership from Nebraska Title Company.

We have invited the neighbors to a neighborhood information meeting at 7:00 P.M. on Tuesday, March 2nd at First Plymouth Congregational Church, 2000 "D" Street.

On behalf of First Plymouth Congregational Church, we want to thank you for your consideration of the amendment to Special Permit 684A. If you have any questions regarding the above or need any additional information, please call Lynn Jones at Davis Design (476-9700) or the undersigned.

Very truly yours,



Kent Seacrest
For the Firm

Enclosure (Application, Filing Fee, Site Plan, Lot Area Coverage Chart and Certificate of Ownership)

cc with Site Map and Lot Area Coverage Chart:

Jonathan Cook
Dr. Otis Young
Nancy Rosenow
Near South Neighborhood Association
Lynn Jones

